

Application No. 09/171,049
Application No. 09/171,049
Atty docket No. JA 138
Response Dated September 24, 2003
Reply to Final Office Action Mailed June 29, 2003
Customer No. 27752

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REMARKS

Claims 1-19 and 39-41 are pending in the Application and stand rejected. Claims 1-19 and 39-41 have been rejected under 35 USC § 103(a). Claims 20-38 are withdrawn from consideration.

Claim Amendments

Claim 1 has been amended to further describe the absorbent material as having the polycationic polymer dispersed on the glue microfibers. Support for this amendment can be found at page 15 lines 21-25 and page 16, lines 10-25 and in Figure 1. In particular, the Applicants respectfully point out that both portions of the present application describe the polycationic polymer as being applied after the glue microfibers have contacted the absorbent gelling particles. Since both glue microfibers and absorbent gelling particles are present when the polycationic polymer solution is applied, the polycationic polymer, of necessity, will be disposed on both the glue microfibers and on the absorbent gelling particles.

Rejection Under 35 USC § 103

Claims 1-19 and 39-41 have been rejected under 35 USC. 103 as being unpatentable over Wang, et al. (US 5,849,405) in view of Goldman, et al. (5,669,894), and Anjur, et al. (5,645,542), as set forth in the previous two Office Actions. Responding to the Applicants' previous arguments, the Office Action further states:

- The Applicants argument that the cited combination only teaches that the glue microfibers relies on Goldman's teaching to utilize glue microfibers in a second layer. While admitting that Wang fails to disclose the form and structure of glues and binders, the Office Action states that Wang teaches (col.13, lines 27-33) that glues and binders are mixed together with absorbent gelling particles. The Office Action goes on to assert that, contrary to the Applicants' arguments:

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Goldman teaches that glue microfibers provide "good wet integrity... in the absorbent member having the high concentration of hydrogel-forming absorbent polymer (col. 29, lines 43-45)."

The Office Action goes on to conclude:

Therefore, it would have been obvious to utilize glue microfibers as the glue or binder of Wang because Goldman specifically teaches that they provide good wet integrity.

- The Office Action further asserts, using col. 29, line 45 as support, that Goldman teaches that microfibers can be used in the same layer as absorbent gelling particles. The Office Action admits that Goldman also teaches that "they can be used in 'other components of the absorbent article'..." but argues that use with other components does not negate the fact that that Goldman teaches the use of glue microfibers in conjunction with gelling particles.
- The Office Action uses Wang at col. 13, lines 29-36 as the basis for arguing that Wang's teaching a mixture of gelling particles and glue in an association that is not readily physically separable as inherently teaching that the glue binds a majority of the particles together.
- The Office Action also notes that Wang at col. 16, lines 40-44 discloses that the absorbent material is attached to a substrate.

The Applicants respectfully direct the Examiner to Claim 1 as amended and submit that the cited combination fails to make the amended claim obvious because none of the cited references teaches or discloses a structure where a polycationic polymer is disposed on glue microfibers as described by the amended claim (MPEP § 2143.03). In particular, since none of the cited references teach or disclose the claimed structure, a structure combining the teachings of the cited references cannot teach or disclose the claimed structure. Specifically, even assuming, *arguendo*, that the cited combination teaches the use

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of glue microfibers as the glue or binder disclosed by Wang as argued in the Office Action (The Applicants expressly do not agree with this assumption.), there is nothing in the combination that would lead one of ordinary skill to a structure with a polycationic polymer disposed on the glue microfibers because the only reference to polycationic polymers in the combination is Wang's absorbent property modification polymer which is reacted with the absorbent gelling particle thereof (see col. 14, line 33 to col. 16, line 6 of Wang). While the Applicants note that the basis used in the Office Action for the argument that Wang discloses glues (col. 13, lines 27-33) discusses that the absorbent gelling particles can be mixed with other additives to provide a hydrogel forming absorbent polymer, there is no mention of treating such hydrogel forming absorbent polymers with a property modification polymer. Wang only mentions treating absorbent gelling particles. Net, if the cited combination teaches the use of glue microfibers, the glue microfibers are applied to an absorbent gelling particle that has already been treated with a polycationic polymer so there is no deposition of a polycationic polymer onto the glue microfibers. Given that, for at least the reasons discussed above, the Applicants have shown that Claim 1 as amended is not obvious over the combination of Wang, Goldman and Anjur and given the dependency of Claims 2-19 and 39-41 from Claim 1, the Applicants respectfully request reconsideration of the rejection of Claims 1-19 and 39-41 under 35 USC § 103(a), its withdrawal and that the claims be allowed.

SUMMARY

All of the rejections in the Office Action have been discussed as have the distinctions between the cited references and the claimed invention. No new matter has been added by the Amendment. In light of the amendments to the claims and discussions contained herein,

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the Applicants respectfully request reconsideration of the rejections, their withdrawal, and allowance of all of the claims. Issuance of a Notice of Allowance at an early date is earnestly solicited.

Respectfully submitted

FOR: E. REZAI ET AL.

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